

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>In re:</b>	)	
	)	<b>Case No. 15-51092-AEC</b>
<b>CLEMENT C. NWOSU</b>	)	
	)	<b>Chapter 11</b>
<b>Debtor</b>	)	
	)	

**NOTICE OF FILING  
OF  
MOTION OF UNITED STATES TRUSTEE TO CONVERT OR DISMISS CASE  
&  
NOTICE OF HEARING**

The United States Trustee has filed papers with the Court, which asks the Court to convert the case to a case under chapter 7, or in the alternative, dismiss the case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Bankruptcy Court to grant the relief sought by the pleading of the United States Trustee as set out above, then you or your attorney must:

**Attend the hearing scheduled to be held:**

**DATE: December 15, 2015**

**TIME: 9:30 a.m.**

**LOCATION: United States Bankruptcy Court  
Courtroom B  
433 Cherry Street  
Macon, GA 31201**

If you wish to file a written response to the objection of the United States Trustee, you must file it with the Bankruptcy Court. The mailing address for the Court is:

United States Bankruptcy Court  
Middle District of Georgia  
P. O. Box 1957  
Macon, GA 31202

You must also mail a copy of your response to:

Elizabeth A. Hardy  
Assistant United States Trustee  
440 Martin Luther King Jr. Blvd.  
Suite 302  
Macon, GA 31201

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it at least five days prior to the hearing date.

If you or your attorney do not take these steps, the Bankruptcy Court may decide that you do not oppose the relief sought in the pleading of the United States Trustee and may enter an order granting that relief.

This 5<sup>th</sup> day of November, 2015.

Respectfully submitted,

GUY G. GEBHARDT  
ACTING UNITED STATES TRUSTEE  
REGION 21

/s/Elizabeth A. Hardy  
Elizabeth A. Hardy  
Assistant United States Trustee  
KY Bar No. 82701

440 Martin Luther King Jr. Blvd.  
Suite 302  
Macon, GA 31201  
(478) 752-3544  
[elizabeth.a.hardy@usdoj.gov](mailto:elizabeth.a.hardy@usdoj.gov)

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<hr/>	)	
<b>In re:</b>	)	
	)	<b>Case No. 15-51092-AEC</b>
<b>CLEMENT C. NWOSU</b>	)	
	)	<b>Chapter 11</b>
<b>Debtor</b>	)	
<hr/>	)	

**MOTION OF UNITED STATES TRUSTEE  
TO CONVERT OR DISMISS CASE**

COMES NOW, Guy G. Gebhardt, Acting United States Trustee (herein “the United States Trustee”), pursuant to 11 U.S.C. § 1112 and files this motion and represents:

1.

On May 13, 2015, **CLEMENT C. NWOSU** (herein “the Debtor”) filed for relief under Chapter 11 of the Bankruptcy Code.

2.

The Debtor has not filed monthly operating reports for the months of July 2015, August 2015 and September 2015. Failure to timely file required operating reports is cause for conversion or dismissal pursuant to 11 U.S.C. § 1112(b)(4)(F).

3.

Pursuant to 28 U.S.C. § 1930, a debtor is obligated to pay quarterly fees until the case is converted or dismissed. In this case, the Debtor owes estimated fees for 2<sup>nd</sup> quarter 2015 and 3<sup>rd</sup> quarter 2015 in the amount of \$1,300.00. Because the Debtor has not filed all of his monthly operating reports, the exact amount of fees due can only be estimated. At a minimum, the Debtor owes \$1,300.00. The total amount of past due quarterly fees owed to the U.S. Trustee at

this time is \$1,300.00 and quarterly fees will continue to accrue throughout the pendency of this case.

4.

Failure of the Debtor to comply with the basic requirements of the Bankruptcy Code is a clear indication that the Debtor is unwilling to fulfill his obligations in exchange for the benefit of the protection afforded to him by the filing, and is unable to reorganize his financial affairs for the benefit of his creditors. This failure evidences the Debtor's inability to reorganize and comply with the basic requirements of chapter 11 debtors-in-possession and constitutes cause for conversion or dismissal of the case under 11 U.S.C. §1112(b).

WHEREFORE, the United States Trustee prays this Court find that cause exists pursuant to 11 U.S.C. §1112(b) and CONVERT or DISMISS this case.

IN ADDITION, the United States Trustee prays for such other and further relief as the Court may find appropriate.

Date: November 5, 2015.

Respectfully submitted,

GUY G. GEBHARDT  
ACTING UNITED STATES TRUSTEE  
REGION 21

/s/Elizabeth A. Hardy  
Elizabeth A. Hardy  
Assistant United States Trustee  
KY Bar No. 82701

440 Martin Luther King Jr. Blvd.  
Suite 302  
Macon, GA 31201  
(478) 752-3544  
[elizabeth.a.hardy@usdoj.gov](mailto:elizabeth.a.hardy@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing pleadings titled **NOTICE and MOTION OF UNITED STATES TRUSTEE TO CONVERT OR DISMISS CASE** either through the Court's electronic filing system or by placing a true and correct copy with the United States Postal Service with adequate postage affixed to assure first class delivery and addressed to:

Clement C. Nwosu  
4474 Old Club Road  
Macon, GA 31210

Wesley J. Boyer  
Attorney for Debtor  
Katz, Flatau, and Boyer, LLP  
355 Cotton Avenue  
Macon, GA 31201

And all parties of interest on the attached list of creditors.

This 5<sup>th</sup> day of November, 2015.

440 Martin Luther King Jr. Blvd.  
Suite 302  
Macon, GA 31201  
(478) 752-3544  
[elizabeth.a.hardy@usdoj.gov](mailto:elizabeth.a.hardy@usdoj.gov)

/s/Elizabeth A. Hardy  
Elizabeth A. Hardy  
Assistant United States Trustee  
KY Bar No. 82701

Label Matrix for local noticing  
113G-5  
Case 15-51092  
Middle District of Georgia  
Macon  
Thu Nov 5 12:40:46 EST 2015

Georgia Department of Revenue  
c/o Georgia Department of Law  
Robin J. Leigh  
40 Capitol Square, SW  
Atlanta, GA 30334-9057

American Express Bank, FSB  
c/o Becket and Lee LLP  
POB 3001  
Malvern, PA 19355-0701

(p)BB AND T  
PO BOX 1847  
WILSON NC 27894-1847

Certus Bank, N.A.  
PO Box 448  
Greenville, SC 29602-0448

Georgia Department of Revenue  
c/o Robin J. Leigh  
40 Capitol Square, SW  
Atlanta, GA 30334-1300

Macon RDC

SunTrust Bank  
PO Box 791274  
Baltimore, MD 21279-1274

Clement C. Nwosu  
4474 Old Club Road  
Macon, GA 31210-4732

Branch Banking and Trust Company  
c/o Patrick L. W. Sefton, Esq.  
Sasser, Sefton & Brown, P.C.  
P.O. Box 4539  
Montgomery, AL 36103-4539

Katz, Flatau & Boyer, L.L.P.  
355 Cotton Avenue  
Macon, GA 31201-2636

(p)AMERICAN HONDA FINANCE  
P O BOX 168088  
IRVING TX 75016-8088

CACH, LLC  
4340 S. Monaco Street  
2nd Floor  
Denver, CO 80237-3485

CertusBank, N.A.  
c/o Walter E. Jones, Esq.  
Balch & Bingham LLP  
30 Ivan Allen Jr. Blvd, Suite 700  
Atlanta, Georgia 30308-3036

Hamilton State Bank  
c/o McCullough Payne & Haan LLC  
271 17th St NW, Suite 2200  
Atlanta, GA 30363-6213

McIntosh State Bank  
PO Box 3818  
Jackson, GA 30233-0079

SunTrust Mortgage, Inc.  
c/o Travis E. Menk  
Brock and Scott, PLLC  
5121 Parkway Plaza Boulevard, Suite 300  
Charlotte, NC 28217-1965

Wesley J. Boyer  
Katz, Flatau, Popson and Boyer, LLP  
355 Cotton Avenue  
Macon, GA 31201-2636

CertusBank, N.A.  
c/o Walter E. Jones, Esq.  
Balch & Bingham LLP  
30 Ivan Allen Jr. Blvd., Suite 700  
Atlanta, GA 30308-3036

5  
433 Cherry Street  
P.O. Box 1957  
Macon, GA 31202-1957

BB&T  
PO Box 580057  
Charlotte, NC 28258-0057

Capital City Bank  
PO Box 790408  
Saint Louis, MO 63179-0408

(p)GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Internal Revenue Service  
401 W. Peachtree Street, N.W.  
Stop 334-D  
Atlanta, GA 30365

Office of U.S. Trustee  
c/o Elizabeth A. Hardy  
Assistant U.S. Trustee  
440 MLK Jr. Blvd Ste 302  
Macon, GA 31201-7987

U.S. Trustee - MAC  
440 Martin Luther King Jr. Boulevard  
Suite 302  
Macon, GA 31201-7987

American Honda Finance Corporation  
National Bankruptcy Center  
P.O. Box 168088  
Irving, TX 75016-8088  
866-716-6441

BB&T Bankruptcy  
PO Box 1847  
Wilson, NC 27894-1847  
100-50-01-51

GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS - BANKRUPTCY  
1800 CENTURY BLVD NE, SUITE 9100  
ATLANTA, GA 30345-3205

(d)Georgia Department of Revenue  
PO Box 161108  
Atlanta, GA 30321

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Hamilton State Bank

(u)SunTrust Mortgage Inc.

(d)Branch Banking and Trust Company  
c/o Patrick L. W. Sefton, Esq.  
Sasser, Sefton & Brown, P.C.  
P.O. Box 4539  
Montgomery, AL 36103-4539

(u)RMS Lifeline

End of Label Matrix	
Mailable recipients	25
Bypassed recipients	4
Total	29